



**DECLARATION FOR UTILITY OR  
DESIGN  
PATENT APPLICATION  
(37 CFR 1.63)**

☐ Declaration  
Submitted  
With Initial  
Filing

OR

☒ Declaration  
Submitted after Initial  
Filing (surcharge  
(37 CFR 1.16(e))  
required)

Attorney Docket Number

022041001410

First Named Inventor

Mark G. ERLANDER

**COMPLETE IF KNOWN**

Application Number

Filing Date

December 2, 2003

Art Unit

Unknown

Examiner Name

Unknown

**I hereby declare that:**

Each inventor's residence, mailing address, and citizenship are as stated below next to their name.

I believe the inventor(s) named below to be the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

Predicting Outcome With Tamoxifen In Breast Cancer

*(Title of the Invention)*

the specification of which

☐ is attached hereto

OR

☒ was filed on (MM/DD/YYYY)

12/02/03

as United States Application Number or PCT International

Application Number

and was amended on (MM/DD/YYYY)

(if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

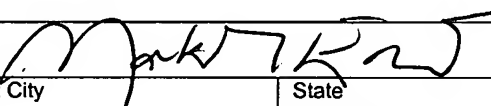
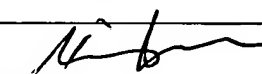
Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached?	
				YES	NO
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

☐ Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto:

[Page 1 of 2]

**BEST AVAILABLE COPY**

# DECLARATION — Utility or Design Patent Application

Direct all correspondence to: <input checked="" type="checkbox"/> Customer Number <b>20350</b> OR <input type="checkbox"/> Correspondence address below			
Name			
Address			
City		State	ZIP
Country	Telephone		Fax
<p>I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.</p>			
NAME OF SOLE OR FIRST INVENTOR:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle [if any]) <b>Mark G.</b>		Family Name or Surname <b>Erlander</b>	
Inventor's Signature 		Date <b>12/15/03</b>	
Residence: City <b>Encinitas</b>	State <b>California</b>	Country <b>US</b>	Citizenship <b>US</b>
Mailing Address <b>442 Hillcrest Drive</b>			
City <b>Encinitas</b>	State <b>California</b>	ZIP <b>92024</b>	Country <b>US</b>
NAME OF SECOND INVENTOR:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle [if any]) <b>Xiao-Jun</b>		Family Name or Surname <b>Ma</b>	
Inventor's Signature 		Date <b>12-15-03</b>	
Residence: City <b>San Diego</b>	State <b>California</b>	Country <b>US</b>	Citizenship <b>US</b>
Mailing Address <b>4482 Calle Mar De Armonia</b>			
City <b>San Diego</b>	State <b>California</b>	ZIP <b>92130</b>	Country <b>US</b>
<input type="checkbox"/> Additional inventors or a legal representative are being named on the _____ supplemental sheet(s) PTO/SB/02A or 02LR attached hereto.			

[Page 2 of 2]

60093868 v1

## BEST AVAILABLE COPY



PTO/SB/02A (08-03)

<b>DECLARATION</b>	<b>ADDITIONAL INVENTOR(S)</b> Supplemental Sheet
Page 1 of 1	

<b>Name of Additional Joint Inventor, if any</b>		<input type="checkbox"/> A petition has been filed for this unsigned inventor		
Given Name (first and middle if any))		Family Name or Surname		
Dennis C.		Sgroi		
Inventor's Signature		Date 4/26/04		
Residence: City	Winchester	State	MA	
Country		US	Citizenship	US
Mailing Address		331 Main Street		
Mailing Address				
City	Winchester	State	MA	
ZIP	01890	Country		US
<b>Name of Additional Joint Inventor, if any</b>		<input type="checkbox"/> A petition has been filed for this unsigned inventor		
Given Name (first and middle if any))		Family Name or Surname		
Inventor's Signature		Date		
Residence: City		State		
Country			Citizenship	
Mailing Address				
Mailing Address				
City		State		
ZIP		Country		
<b>Name of Additional Joint Inventor, if any</b>		<input type="checkbox"/> A petition has been filed for this unsigned inventor		
Given Name (first and middle if any))		Family Name or Surname		
Inventor's Signature		Date		
Residence: City		State		
Country			Citizenship	
Mailing Address				
Mailing Address				
City		State		
ZIP		Country		

60093881 v1

BEST AVAILABLE COPY



Atty. Docket No.: 022041-001410US  
Client Reference No.: \_\_\_\_\_

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS  
(37 CFR 1.27) - SMALL BUSINESS CONCERN**

Applicant for Patent: Mark G. Erlander, et al.

Title: PREDICTING OUTCOME WITH TAMOXIFEN IN BREAST CANCER

- ☐ the specification filed herewith.  
☒ Application No. \_\_\_\_\_, filed December 2, 2003 as Attorney Docket No. 022041.001410.  
☐ Patent No. \_\_\_\_\_, issued \_\_\_\_\_.

I hereby declare that I am:

- ☐ the owner of the small business concern identified below:  
☒ an official of the small business concern empowered to act on behalf of the concern identified below:  
**Bioscience**

Name of Small Business Concern: Arcturus Engineering, Inc.

Address of Small Business Concern: 400 Logue Avenue, Mountain View, CA 94043-4019

I hereby declare that the above-identified small business concern qualifies as a "small business concern" as defined in 13 CFR part 121, for purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

Further Assignment

- ☐ I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention described above.  
☒ Verified statements by all entities to whom rights to the invention have been transferred, or to whom there is an obligation to transfer rights, are attached hereto.

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.27(g)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

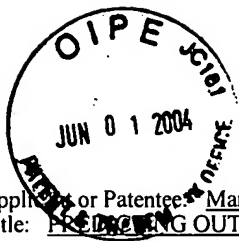
Name of Person Signing: Thomas M. Baer

Title of Person if Other than Owner: CEO/President Chairman

Address of Person Signing: 400 Logue Avenue  
Mountain View, CA 94043-4019

Signature

Date Dec. 29, 2003



VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS  
(37 CFR 1.27) - NONPROFIT ORGANIZATION

Applicant or Patentee: Mark G. Erlander, et al.

Title: PRODUCING OUTCOME WITH TAMOXIFEN IN BREAST CANCER

- ☐ the specification filed herewith.  
☒ Application No. \_\_\_\_\_, filed December 2, 2003 as Attorney Docket No. 022041.001410.  
☐ Patent No. \_\_\_\_\_, issued \_\_\_\_\_.

I hereby declare that I am an official empowered to act on behalf of the nonprofit organization identified below:

Name of Nonprofit Organization: The General Hospital Corporation

Address of Nonprofit Organization: 55 Fruit Street, Boston, Massachusetts 02114

Type of Nonprofit Organization

- ☐ University or other institution of higher education.  
☐ Tax exempt under Internal Revenue Service Code [26 USC 501(a) and 501(c)(3)].  
☐ Nonprofit scientific or educational organization under a nonprofit organization statute of a state of the United States of America (Name of State \_\_\_\_\_).  
☐ Would qualify as tax exempt under Internal Revenue Service Code [26 USC 501(a) and 501(c)(3)] if located in the United States of America.  
☐ Would qualify as nonprofit scientific or educational organization under a nonprofit organization statute of a state of the United States of America if located in the United States of America  
(Name of State \_\_\_\_\_).  
(Citation of statute \_\_\_\_\_).

I hereby declare that the nonprofit organization identified above qualifies as a nonprofit organization as defined in 37 CFR 1.27(a) for purposes of paying reduced fees to the United States Patent and Trademark Office regarding the invention described above.

Further Assignment

- ☐ I hereby declare that rights under contract or law have been conveyed to and remain with the nonprofit organization regarding the above identified invention.  
☒ Verified statements by all entities to whom rights to the invention have been transferred, or to whom there is an obligation to transfer rights, are attached hereto.

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.27(g)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Name of Person Signing: FRANCES TONEGUZZO, Ph.D.  
Title in Organization of Person Signing: DIRECTOR  
Address of Person Signing: CORPORATE SPONSORED RESEARCH AND LICENSING

Signature  
60094637 v1

*F. Toneguzzo*

Date

12/18/03